

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI
GOVERNOR

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

August 29, 2003

Chief
Marine Mammal Conservation Division
Attn: ZMRG
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

RE: 50 CFR Part 229

Dear Chief:

The Alaska Department of Fish and Game (ADF&G) is pleased to provide comment on the Advanced Notice of Proposed Rulemaking relative to the Zero Mortality Rate Goal of the Marine Mammal Protection Act.

OPTIONS

We are best able to support Option 2 (10% Delay in Recovery) as presented in the Advance Proposed Rule. However, we request that flexibility be provided for amending the definitions for categorization of fisheries. If this flexibility is not provided then a great number of Alaska's fisheries could be improperly categorized. Further, flexibility in the relationship between the insignificance threshold and section 101(a)(5)(E) of the MMPA is likewise required, again to prevent inappropriate inadvertent impacts to Alaska's fisheries.

AVAILABLE TECHNOLOGY and ECONOMIC FEASIBILITY

ADF&G can support the second option presented in the Advance Notice that would incorporate available technology and economic feasibility into an initial assessment of whether or not fisheries has achieved the ZMRG by the statutory due date as long as it is measurable and defined. Definitional clarity is important; otherwise the law is open to interpretation by fishery participants, managers, the courts, and others.

We appreciate this opportunity to comment.

Sincerely,



Kevin C. Duffy
Commissioner